

**OFFICE OF THE STATE PUBLIC DEFENDER**  
**LEGISLATIVE UPDATE – 2013 SESSION**  
February 22, 2013

**I. MONTANA PUBLIC DEFENDER COMMISSION REQUESTED BILLS**

- a. **LC 1717** This legislative request is sponsored by Representative Court. It suspends payment of public defender fees for those in jail and places reporting requirements on clerks of court. It may not be introduced this session.
- b. **HB 92** This bill is sponsored by Representative Curtis. It removes the term “public defender” in 46-1-1103 and 1203 and leaves “defense attorney” to make it clear that a non-public defender may provide legal services in drug and mental health treatment courts. This bill has been signed into law effective immediately.
- c. **HB 107** This bill is sponsored by Representative Lynch. It transfers the payment obligation of an attorney representing a GAL to the courts. This bill is supported by the Supreme Court administrator. This bill has been signed into law effective July 1, 2013.
- d. **HB 103** This bill is sponsored by Representative Curtis. It would allow OPD to hire an attorney to support the conflict coordinator function. This bill was tabled by the House Judiciary Committee.
- e. **HB 93** This bill is sponsored by Representative McClafferty. It allows the agency to use fixed fee contracts for certain services. This bill passed through the House of Representatives but was tabled by the Senate Business, Labor and Economic Affairs Committee.
- f. **SB 53** This bill is sponsored by Senator Driscoll. It removes jail time as a penalty in certain cases. This bill passed through the Senate but was tabled by the House Judiciary Committee.

**II. BUDGET BILLS**

- a. **HB 2** This bill is sponsored by Representative Ankney. It provides all of the funding for state government, including our agency. A subcommittee that is comprised of members from the House and Senate conducted hearings January 16-18 for our agency’s budget. Today we have received full funding for our base budget (what we spent during FY 2012) and about one-half of the new funding that we have requested which included 8 FTE. Our budget will next be heard by the House Appropriations Committee sometime in early March. Please be aware that the legislative appropriation process is a long one with many hearings by many committees. Our goal is to have our budget passed intact by the end of the session.

### **III. SUPPLEMENTAL BILL**

- a. **HB 3** This bill is sponsored by Representative Ankney. It provides additional funding for the 2013 Biennium. We requested \$3.2 million, mostly to cover additional capital case costs, and an increase in caseloads for the public defender and appellate defender programs. Our portion of the bill was approved by House Appropriations on February 20. It heads next to the House of Representatives.

### **IV. NON-COMMISSION/AGENCY BILLS WITH FISCAL IMPACT**

- a. **HB 13** This bill is sponsored by Representative Swanson. As currently drafted this bill would provide a 5% pay adjustment in each fiscal year of the 2015 biennium for state employees. This bill was heard by House Appropriations on January 23, 2013. It is awaiting executive action.

### **V. OTHER BILLS**

- a. **SB 133** This bill is sponsored by Senator Rosendale. It allows OPD investigators to carry firearms in their line of duty. The bill was passed by the Senate and has been transmitted to the House.